

Application Serial No.: 10/730,440
Office Action Date: 08/26/2005

Filed: 12/08/2003
Amendment Date: 10/19/2005

REMARKS/ARGUMENTS

Subsequent to the Office Action issued on 08/26/2005, the following comprises a status of the claims of the application:

- Claims 1-33 are pending in the Application;
- Claims 5, 10, 15, 17 and 28 have previously been withdrawn from consideration;
- Claims 1-4, 6-9, 11-14, 16, 18, 20-22, 24-27, 29, 31 and 33 were rejected.
- Claim 32 has been objected to;
- Claims 19, 23, and 30 stand allowed; and,
- New claims 34 – 36 have been added.

Claim Rejections – 35 U.S.C. § 103(a)

The Office Action rejected claims 1-4, 6-9, 11-14, 16, 18, 20-22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4946131 to Weyand (*Weyand*) in view of USPN 5878997 to Miesner (*Meisner*).

Weyand discloses a passive, calibratable damper arrangement for damping linear movements applicable for use on a safety valve. The intent is to develop an arrangement for damping linear movements so that the damping characteristics can be adjusted precisely in a simple manner (see Col. 1, lines 27-30). The damper includes a damping part 36 including a hub section 34 and wall 32. Wall 32 resides within gaps filled with viscous silicone grease. Hub section 34 is mounted by a bearing or threads which allow rotary motion only. Hub section 34 has internal threads 40 that cooperate with external thread section 12 of a valve spindle. The valve spindle moves in a linear manner and the cooperating threads 12 and 40 converts the linear motion to rotary movement of the damping part 36.

In contradistinction, newly amended claim 1 sets forth a novel damping apparatus which is operable to provide damping between a sprung mass and an

Application Serial No.: 10/730,440
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unsprung mass. The apparatus comprises, *inter alia*, a linear to rotary conversion mechanism comprising a translatable member having a first attachment point, and adapted for generally linear translation in a forward and a reverse direction and a rotatable member comprising a rotatable shaft that is rotatably coupled to the translatable member; wherein translation of the translatable member in one of the forward or the reverse directions produces a forward or a reverse rotation of the rotatable member and shaft, respectively. The claim further sets forth, *inter alia*, a damping mechanism comprising a second attachment point, a hub that is fixed to the shaft, a means for generating a single electromagnetic field in response to an applied electrical signal that may be continuously varied in response to an input signal that is representative of a desired damping force and a fluid having a viscosity that may be continuously varied by application of the electromagnetic field that is in touching contact with the hub, wherein application of the variable electromagnetic field to the fluid produces changes in the viscosity of the fluid that in turn provides variable resistance to rotation of the hub and translation of the translatable member.

Applicant respectfully asserts that newly amended claim 1 is patentably distinguishable from *Weyand* in view of *Meisner* because neither reference teaches nor describes the above-described damping mechanism operable to provide damping between a sprung mass and an unsprung mass, and having a first attachment point and a second attachment point, as described and claimed in the instant invention.

Therefore, newly amended claim 1 is allowable over the cited references.

Newly amended Claims 6, 11 are allowable for the same reasons as stated with regard to Claim 1. Claims 2-4, 7-9, 12-14, 16, 18, 20-22 and 24 each ultimately depend upon now allowable Claims 1, 6, or 11, and are therefore allowable over the prior art cited thereagainst.

Application Serial No.: 10/730,440
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The Office Action rejected claims 25-27, 29, 31, and 33 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4946131 to Weyand (*Weyand*) in view of USPN 5878997 to Miesner (*Meisner*) as applied to claim 11, and further in view of USPN 6740125 to Mosler.

Claims 25-27, 29, 31, and 33 each ultimately depend upon now allowable Claim 11, as above, and are therefore allowable over the prior art cited thereagainst.

Allowable Subject Matter

Claim 32 was objected to as being dependent upon a rejected base claim. It was stated that claim 32 would be allowable if rewritten in independent form including all of the limitations of the base and intervening claims. Applicant appreciates acknowledgment of the allowable subject matter of claim 32.

Claim 32 has been amended, per the above. Reconsideration of now allowable claim 32 is respectfully requested.

Claims 19, 23, 30 are allowable. Applicants express appreciation for acknowledgement of patentable subject matter.

New Claims

Applicant respectfully requests consideration of new claims 34, 35, and 36, each which is ultimately dependent upon now allowable claim 1. New claims 34, 35, and 36 more particularly point out and distinctly claim the patentable subject matter of the invention. New claim 34 sets forth the apparatus of claim 1, wherein the sprung mass comprises a vehicle chassis. New claim 35 sets forth the apparatus of claim 1, wherein the unsprung mass comprises a vehicle wheel. New claim 36 sets forth the apparatus of claim 35, wherein the unsprung mass further comprises a vehicle axle.

Application Serial No.: 10/730,440
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Conclusion

Based on the above, it is respectfully submitted that all pending claims are in a condition for allowance and that same be allowed to proceed to issue.

Furthermore, upon allowance of the pending claims, Applicant respectfully requests reconsideration of claims 5, 10, 15, 17 and 28 earlier withdrawn in response to a restriction requirement and that same be found allowable and allowed to proceed to issue pursuant to 37 CFR 1.141.

If the Examiner has any questions regarding the contents of the present response he may contact Applicants' attorney at the phone number appearing below.

Respectfully submitted,



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